



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/098,575	03/18/2002	Hisashi Nakagomi	220944US2	3219
22850	7590	08/08/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PAN, JOSEPH T	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/098,575	NAKAGOMI ET AL.
	Examiner Joseph Pan	Art Unit 2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 June 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 March 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/15/05&8/23/02.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. Applicant's response filed on June 1, 2006 has been carefully considered. Claims 1-16 have been amended. New claims 17-22 have been added. Claims 1-22 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andrews (U.S. Patent No. 5,757,271) in view of O'Neil (U.S. Patent No. 5,963,864), hereinafter "O'Neil".

Referring to claims 1, 17:

i. Andrews teaches:

A mobile communication terminal device configured to communicate with a remote device via a wireless connection, the remote device configured to operate at one of a plurality of communication link security level, comprising:

A detection unit configured to detect which of the plurality of communication link security level is in use at the remote device (see column 4, lines 13-16 of Andrews);

An announcing unit configured to announce said detected communication link security level (see figure 1, element 18; and figure 3, element 74; and column 5, lines 17-22 of Andrews).

Andrews further discloses the wireless communication between the mobile communication terminal device and the remote device (see column 4, lines 39-44 of Andrews).

However, Andrews does not specifically mention that the communication device is configured to communicate with another device via a wireless telecommunications network.

ii. O'Neil discloses a system for providing telecommunication extension service to a subscriber wherein the system includes a wireless telecommunications network (see figure 1, element 14 of O'Neil).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of O'Neil into the system of Andrews so that the communication device can be configured to communicate with another device via a wireless telecommunications network.

iv. The ordinary skilled person would have been motivated to have applied the teaching of O'Neil into the system of Andrews so that the communication device can be configured to communicate with another device via a wireless telecommunications network, because the wireless telecommunication network is widely used.

Referring to claims 2, 18:

Andrews and O'Neil teach the claimed subject matter: a mobile communication terminal device configured to communicate with a remote device via a wireless connection (see claim 1 above). Andrews further discloses that the communication device further comprises a judgment unit for judging whether the proximity satisfies the prescribed range (see column 5, lines 17-22 of Andrews).

Referring to claim 3, 19:

Andrews and O'Neil teach the claimed subject matter: a mobile communication terminal device configured to communicate with a remote device via a

wireless connection (see claim 1 above). Andrews further discloses that the communication device further comprises a setting unit to set the proximity (i.e., the range of the transmitter within the remote unit) of the communication device (see column 4, lines 13-16 of Andrews).

Referring to claims 4, 20:

Andrews and O'Neil teach the claimed subject matter: a mobile communication terminal device configured to communicate with a remote device via a wireless connection (see claim 1 above). Andrews further discloses that the communication device further comprises a control unit to control the operation of the device (see column 4, lines 24-26 of Andrews).

Referring to claims 5, 21:

Andrews and O'Neil teach the claimed subject matter: a mobile communication terminal device configured to communicate with a remote device via a wireless connection (see claim 1 above). Andrews further discloses that the communication device provides the selection functionality, so that the control logic can be described as being in one of two states (armed or disarmed), and in one of three modes of operation: proximity detection, motion detection, or user input detection (see column 4, lines 27-30 of Andrews).

Referring to claims 6, 22:

Andrews and O'Neil teach the claimed subject matter: a mobile communication terminal device configured to communicate with a remote device via a wireless connection (see claim 1 above). Andrews further discloses that the communication device further comprises a notification unit to alert the owner of the communication device that a security violation has occurred (see figure 3, element 74; and column 5, lines 17-22 of Andrews).

Referring to claim 7:

i. Andrews teaches:

A communication device for communicating with a mobile communication device at a remote location via a wireless telecommunication network

and in accordance with one of a plurality of communication link security levels, comprising:

A detection unit for detecting the proximity of the destination of connection (see column 4, lines 13-16 of Andrews);

A setting unit to set the proximity (i.e., the range of the transmitter within the remote unit) of the communication device (see column 4, lines 13-16 of Andrews),

Wherein said communication device is configured to communicate with said mobile communication device at a remote location (see figure 1, element 40; and column 4, lines 41-44 of Andrews).

Andrews further discloses the wireless communications between the two devices (see column 4, lines 39-44 of Andrews).

However, Andrews does not specifically mention that the communication device is configured to communicate with another device via a wireless telecommunications network.

ii. O'Neil disclose a system for providing telecommunication extension service to a subscriber wherein the system includes a wireless telecommunications network (see figure 1, element 14 of O'Neil).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of O'Neil into the system of Andrews so that the communication device can be configured to communicate with another device via a wireless telecommunications network.

iv. The ordinary skilled person would have been motivated to have applied the teaching of O'Neil into the system of Andrews so that the communication device can be configured to communicate with another device via a wireless telecommunications network, because the wireless telecommunication network is widely used.

Referring to claim 8:

Andrews and O'Neil teach the claimed subject matter: a communication device for communicating with a mobile communication device at a remote location (see

claim 7 above). Andrews further discloses that the communication device further comprises a control unit to control the operation of the device (see column 4, lines 24-26 of Andrews).

Referring to claims 9, 16:

Andrews and O'Neil teach the claimed subject matter: a communication device for communicating with a mobile communication device at a remote location (see claim 7 above). O'Neil further disclose the inquiring unit (see column 17, lines 39-42 of O'Neil), and the selection functionality (see column 22, lines 37-40 of O'Neil).

Referring to claim 10:

i. Andrews teaches:

A mobile communication terminal device having a security communication function; comprising:

- (a) a detection unit for detecting the security level of the destination of connection (see figure 3, element 76 of Andrews);
- (b) an announcing unit for announcing said detected security level (see figure 3, element 74 of Andrews);
- (c) a security level setting unit for setting by a user at least one of security level (see figure 4, lines 24-44 of Andrews);
- (d) a judgment unit for judging whether said detected level satisfies the security level condition previously set by the user (see figure 4, element 72 of Andrews);
- (f) a control unit for controlling communications (see figure 4, element 72 of Andrews).

Andrews further discloses the wireless communication between the mobile communication terminal device and the remote device (see column 4, lines 39-44 of Andrews).

However, Andrews does not specifically mention that the communication device is configured to communicate with another device via a wireless telecommunications network.

ii. O'Neil discloses a system for providing telecommunication extension service to a subscriber wherein the system includes a wireless telecommunications network (see figure 1, element 14 of O'Neil).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of O'Neil into the system of Andrews so that the communication device can be configured to communicate with another device via a wireless telecommunications network.

iv. The ordinary skilled person would have been motivated to have applied the teaching of O'Neil into the system of Andrews so that the communication device can be configured to communicate with another device via a wireless telecommunications network, because the wireless telecommunication network is widely used.

Referring to claim 11:

Andrews and O'Neil teach the claimed subject matter: A mobile communication terminal device having a security communication function (see claim 10 above). Andrews further discloses that the announcing unit is adapted to announce the results of said judgment (see figure 3, elements 72, 74 of Andrews).

Referring to claim 12:

Andrews and O'Neil teach the claimed subject matter: a mobile communication terminal device having a security communication function (see claim 10 above). Andrews further discloses that the control unit is adapted to discontinue communication (see column 4, lines 30-44 of Andrews).

Referring to claim 13:

Andrews and O'Neil teach the claimed subject matter: a mobile communication terminal device having a security communication function (see claim 10 above). Andrews further discloses that the communication device provides the selection of the continuance or discontinuance of communication (see column 4, lines 30-44 of Andrews).

Referring to claim 14:

Andrews and O'Neil teach the claimed subject matter: a mobile communication terminal device having a security communication function (see claim 10 above). Andrews further discloses that the notification unit notifies the caller (see column 4, lines 41-44 of Andrews).

Referring to claim 15:

i. Andrews teaches:

A device for communicating with a mobile communication device, comprising:

(a) a detection unit for detecting a security level of communication with the mobile communication device (see figure 3, element 76 of Andrews);

(b) a security level setting unit for setting by a user at least one of a security level (see column 4, lines 24-44 of Andrews);

(c) an internal memory for storing the security level information (see figure 4, element 104 of Andrews);

(d) a control unit for controlling communication (see figure 4, element 72 of Andrews).

Andrews further discloses the wireless communication between the mobile communication terminal device and the remote device (see column 4, lines 39-44 of Andrews).

However, Andrews does not specifically mention that the communication device is configured to communicate with another device via a wireless telecommunications network.

ii. O'Neil discloses a system for providing telecommunication extension service to a subscriber wherein the system includes a wireless telecommunications network (see figure 1, element 14 of O'Neil).

iii. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of O'Neil into the system of Andrews so that the communication device can be configured to communicate with another device via a wireless telecommunications network.

iv. The ordinary skilled person would have been motivated to have applied the teaching of O'Neil into the system of Andrews so that the communication device can be configured to communicate with another device via a wireless telecommunications network, because the wireless telecommunication network is widely used.

Response to Arguments

4. Applicant's arguments filed on June 1, 2006 have been fully considered but they are not persuasive.

Applicant argues:

"However, Andrews does not disclose or suggest a communication link security level as recited in Applicant's amended claims and as described in Applicant's originally filed specification. That is, the proximity detection (anti-theft device) of Andrews does not is not a communication link security level because the proximity detection of Andrews is not a representation of a function or strength of security for a type of communication." (see page 2, Arguments/Remarks)

Examiner maintains:

Andrews discloses that "The security device, which has at least a first mode of operation, detects whether or not a second electronic device is within a selected proximity of the first electronic device. In response to a detection that the second electronic device is not within the selected proximity of the first electronic device, a signal is generated indicating that a security violation has occurred. In one embodiment, wireless signals having an effective range equal to the selected proximity are transmitted from the second electronic device to the first electronic device. The security device determines that the first electronic device is not within the selected proximity of the second electronic device in response to a failure to receive the wireless

signals." (see abstract of Andrews). Therefore, Andrews teaches selecting a security level [i.e., a proximity level] for the communication link.

Conclusion

5, Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Pan whose telephone number is 571-272-5987.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Joseph Pan
August 1, 2006



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100